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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 JOHNNY LEE BRIGGS,) NO. CV 18-3714-FMO (E)
12 Plaintiff,)
13 v.) ORDER TO SHOW CAUSE
14 WARDEN D. BAUGHMAN,)
15 Defendant.)
16 _____)
17

18 Plaintiff, a state prisoner incarcerated in California State
19 Prison, Sacramento (SAC), filed this civil rights action pursuant to
20 42 U.S.C. section 1983 on May 3, 2018. Defendant is the Warden at
21 SAC. Plaintiff alleges events or omissions assertedly occurring at
22 SAC, which is located within the Eastern District of California.
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24 Section 1391(b) of Title 28, United States Code, provides:
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26 A civil action may be brought in --
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1 (1) a judicial district in which any defendant resides, if
2 all defendants are residents of the State in which the
3 district is located;

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5 (2) a judicial district in which a substantial part of the
6 events or omissions giving rise to the claim occurred, or a
7 substantial part of property that is the subject of the
8 action is situated; or

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10 (3) if there is no district in which an action may otherwise
11 be brought as provided in this section, any judicial
12 district in which any defendant is subject to the court's
13 personal jurisdiction with respect to such action.

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15 Here, it appears that Defendant resides in the Eastern District
16 of California, and that the events or omissions giving rise to
17 Plaintiff's purported claims allegedly occurred within the Eastern
18 District of California.

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20 Section 1406(a) of Title 28, United States Code, provides:

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22 The district court of a district in which is filed a
23 case laying venue in the wrong division or district
24 shall dismiss, or if it be in the interest of justice,
25 transfer such case to any district or division in which
26 it could have been brought.

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This Court has the power to decide the venue issue on its own motion and to dismiss or transfer the action before a responsive pleading is filed. See Costlow v. Weeks, 790 F.2d 1486, 1488 (9th Cir. 1986).

Within thirty (30) days of the date of this Order, the parties shall show cause in writing, if there be any, why this action should not be transferred to the United States District Court for the Eastern District of California on the ground that venue is improper in the Central District of California. Failure timely to respond to this Order to Show Cause may result in the transfer of the action.

DATED: May 9, 2018

/s/
CHARLES F. EICK
UNITED STATES MAGISTRATE JUDGE